Minority language education rights

Current Issue Review 89-6E

MINORITY LANGUAGE EDUCATION RIGHTS: SECTION 23 OF THE CHARTER

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24 May 1989
Revised 11 May 1993

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Ottawa, Canada K1A 0S9

Catalogue No. YM32-1/89-6-1993-05E
ISBN 0-660-15262-2

N.B. Any substantive changes in this publication which have been made since the preceding issue are indicated in **bold print.**

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ISSUE DEFINITION

With the proclamation of the *Canadian Charter of Rights and Freedoms* on 17 April 1982, a new dimension was introduced to the Canadian educational system: a constitutionally entrenched right to minority language education. Prior to the Charter's passage, the language of instruction in publicly funded schools was determined solely by the provinces, which, in exercising their quasi-absolute jurisdiction over education, were free to grant or not to grant minority language education. That not all the provinces reacted to this with the same enthusiasm is a matter of record.

Section 23 of the Charter enables Canadian parents to have their children educated in the official language of their choice. However, the right to minority language education is not an absolute one; certain conditions must be met before the right can be claimed. After a brief discussion of the relationship between denominational and linguistic rights, this paper describes conditions for exercising rights to minority language education and the scope of these rights.

BACKGROUND AND ANALYSIS

A. Denominational and Linguistic Rights

At Confederation, the provinces were given exclusive jurisdiction over education (section 93 of the *Constitution Act, 1867*). However, due to considerable protest from the English Protestant minority of Quebec and the Roman Catholic minority of Ontario, who feared the possible elimination of their separate schools by the provincial government, it was agreed

that the provinces' exclusive jurisdiction over education would be made subject to certain safeguards. They were, first, that no law passed by the provinces could "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the Union" (section 93(1)). Second, it was provided that where a system of separate or dissenting schools existed in a province by law either at the time of Union or was established thereafter, an appeal could be taken to the federal Cabinet with regard to any act or decision of the provincial legislature that affected "any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education" (section 93(3)). In the case of such an appeal, the federal Cabinet could recommend a solution to the conflict and, if its counsel was not acted upon by the provincial authority, it was empowered to enact, through Parliament, whatever remedial law was necessary to give effect to the constitutional provisions (section 93(4)).

The intent of the Fathers of Confederation, therefore, was to protect from provincial interference the educational system of each official language minority; the means used to achieve this intent was essentially to freeze whatever school system existed for the benefit of a minority at the time of the Union; that is to say, whatever educational rights were enjoyed by these groups prior to Confederation could not be diminished following Confederation, although the provinces could always improve upon them if they saw fit to do so. However, a major and unanticipated shortcoming of the section 93 protection was that it was drawn along denominational lines rather than linguistic ones. Accordingly, even though the Roman Catholics of Ontario, many of whom were French-speaking, were constitutionally entitled to their publicly supported separate schools (since these had existed by law at Confederation), they were not free to instruct their pupils in the language of their choice. This became clear in the controversial 1917 case of *Trustees of the Roman Catholic Separate Schools for Ottawa* v. *Mackell*.* At issue in the *Mackell* case was the validity of Standing Order 17 passed in 1912 by the Ontario government, which mandated that English become the sole language of instruction after the third grade, with the study of French as a subject limited to one hour a day. Opposition from

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* The full citation of the cases mentioned herein appears in a table of cases at the end of this paper.

French-speaking Canadians to Standing Order 17 was predictably swift and the matter was soon brought before the courts.

The Judicial Committee of the Privy Council in England (then Canada's highest appellate tribunal) ultimately found for the province on the ground that the pre-Confederation statutory right vested in the separate school trustees to determine "the kind and description of schools to be established" did not give them control over the language of instruction; the protection at section 93(1) extended only to the rights and privileges attached to "denominational" teaching. The "class of persons" to which section 93(1) referred, it was held, consisted of persons joined together by the ties of faith rather than language. The *Mackell* case, therefore, rightly or wrongly, established that, at least insofar as the language of instruction was concerned, the provinces had absolute authority. Whether the plaintiffs could have obtained redress by appealing to the federal cabinet pursuant to section 93(3) is a moot point. The federal government has never exercised its supreme remedial power under 93(4). On only one occasion did it attempt to do so, when it went so far as to introduce a bill in the House of Commons in response to the Manitoba school crisis of 1890. However, an election was soon called and the government defeated, seemingly because of its position on the Manitoba school question. Since that time, the federal government has never attempted to intervene directly in matters of education in the provinces.

The adoption of section 23 of the Charter has in no way modified the denominational rights provided under section 93 of the *Constitution Act, 1867*, since their protection is expressly preserved under section 29 of the Charter. In *Re Education Act of Ontario*, the Ontario Court of Appeal ruled that there was nothing in section 93 of the *Constitution Act, 1867* to prevent section 23 from being applied with equal force and effect to denominational schools, given section 93 is concerned with denominational teaching, whereas section 23 deals with the language of instruction. Quite apart from the Charter, it was stated, the province was entitled to enact laws respecting minority language instruction in denominational schools without violating section 93. It followed that to do so in order to comply with the Charter could not constitute an abrogation or derogation of any constitutionally protected denominational rights or privileges.

B. Conditions for Exercising Minority Language Education Rights

Minority language education rights are far from automatic. In addition to being subject to the general conditions applicable to other rights guaranteed by the Charter, they are subject to specific conditions of two types: those relating to citizens (sections 23(1) and (2)) and those relating to numbers (section 23(3)).

1. General Conditions

Like the other rights and freedoms guaranteed under the Charter, the right to minority language education is subject to section 1 of the Charter and may, therefore, be subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Citizens may, therefore, be denied this right if it is shown that withholding the service is justified on the basis of this provision.

In *Quebec Association of Protestant School Boards* v. *Attorney General of Quebec*, the Supreme Court of Canada confirmed this possibility, even though it did not consider the limitation imposed by Bill 101 to be reasonable. In fact, the Court found that section 23 specifically sought to remedy shortcomings in Canadian educational systems. Moreover, in *Mahé* v. *Alberta*, the Alberta Court of Appeal also recognized that section 1 applies to the rights guaranteed under section 23. The Supreme Court of Canada in the same case did not comment on this point. One might speculate that legal authorities would be reluctant to apply section 1, in light of the existence of the specific conditions for exercising the rights guaranteed under section 23.

Moreover, the derogatory power provided under section 33 of the Charter does not apply to section 23; provincial legislatures may not, therefore, derogate from its provisions.

2. Personal Qualifications

Subsections 23(1) and (2) of the Charter state:

> 23.(1) Citizens of Canada
>
> (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

> (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,
> have the right to have their children receive primary and secondary school instruction in that language in that province.
>
> (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

The right to minority language education is limited to Canadian citizens. Non-citizens, such as landed immigrants, do not qualify. Furthermore, the right vests in the parents who otherwise qualify, and not their children; the only requirement is that the parents themselves qualify.

Parents who are Canadian citizens qualify under either one of the three following situations:

a. Where the parents reside in a province in which their first language learned and still understood is the minority language of the province (section 23(1)(a)).**

It seems clear that the "first language learned" must be either French or English, whether learned in Canada or abroad. Parents whose first language is other than French or English do not qualify. Those for whom the first language learned was French or English, however, will qualify only if they still "understand" that language. Furthermore, the right only arises where the "first language" of the parent is the minority official language of his or her province of residence. It follows that the "minority language" is calculated on a province-wide basis, rather than a regional one. Therefore, parents whose first language learned constitutes the majority language within their province of residence have no recourse under this provision if they would like to have their children educated in the minority language, even though the latter may predominate in their given region.

** By virtue of section 59 of the Charter, the province of Quebec is exempted from the application of this provision until such time as the province, through legislative or executive fiat, opts in.

b. Where the language of instruction received by a parent in a primary school in Canada is the minority language of the province in which he or she now resides (section 23(1)(b)).

Unlike the former provision, which was based on one's first language learned and still understood, whether in Canada or elsewhere, this paragraph applies to parents who actually were taught in whatever official language constitutes the minority language within their province of residence. However, these parents qualify only if they were educated in that given language at the primary school level - the language of instruction at the secondary school level being irrelevant - and only if the same took place in a Canadian school. This provision is commonly called the "Canada clause."

c. Where the parents have a child who has received or is receiving his or her primary or secondary school instruction in Canada in either official language.

In this case, the parents have the right to have all their children educated in that same language (section 23(2)). Unlike the previous provisions, this subsection is less concerned with the right to minority language instruction than it is with the uniformity of linguistic instruction among siblings.

It was by virtue of these last two provisions that the Supreme Court of Canada first handed down a decision on section 23 of the Charter. In the case of *Quebec Association of Protestant School Boards* v. *Attorney General of Quebec*, the Court in a unanimous judgment invalidated certain provisions of Quebec's Bill 101 (*The Charter of the French Language*), specifically those provisions that restricted access to English instruction to:

- children whose father or mother received his or her elementary schooling in English in Quebec;
- children whose mother or father who, having received elementary schooling in English outside Quebec, were domiciled in Quebec on 26 August 1977; and
- any child who, prior to the above date, was receiving his or her instruction in English in Quebec, as well as any younger siblings of that child.

Although holding that section 23 of the Charter could be subject to the limitation clause at section 1, the Court did not agree that the uniformity of criteria applied throughout the country for access to minority language education should be limited by provincial provisions. The "Quebec clause" was, therefore, rejected and replaced by the "Canada clause."

3. Conditions Relating to Numbers

The last part of section 23 of the Charter provides:

> 23(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province
> (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
> (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Pursuant to this provision, the Charter foresees the provision of minority language "instruction" as well as minority language "educational facilities" for citizens who meet one of the criteria of section 23(1) and (2), wherever in the province there are a sufficient number of eligible pupils to warrant organizing and financing of such services out of public funds. The pivotal criterion, therefore, is the number of eligible pupils that would justify provision of service, a numerical standard which, if not met, gives rise to no right at all under the Charter.

It is evident from the jurisprudence that the number required to receive minority language education (section 23(3)(a)) must be clearly differentiated from the number required to have the right to minority language educational facilities (section 23(3)(b)). In fact, two different rights are involved here - hence the plural form used in the title of section 23: "minority language education rights."

For example, in the case of *Re Education Act of Ontario*, the Ontario Court of Appeal ruled that the right conferred by section 23(3)(b) is more extensive than that conferred by section 23(3)(a), since the educational facilities involved must be those of the minority and must be homogeneous. Moreover, in the case of *Commission des écoles fransaskoises Inc.* v.

Attorney General of Saskatchewan, the provincial Court of Queen's Bench ruled that the definition of "sufficient numbers" depends on whether the right to minority language education or the right to minority language educational facilities is involved. In the case of *Re School Act*, the Prince Edward Island Court of Appeal reached a similar conclusion and, in the case of *Mahé* v. *Alberta*, the Alberta Court of Queen's Bench concluded that the numbers warranting the right to minority language education did not necessarily warrant the right to minority language educational facilities. The Supreme Court of Canada in the *Mahé* case viewed section 23 as encompassing a "sliding scale" requirement for the "numbers warrant" test, with section 23(3(b) indicating the upper level of this range and section 23(3)(a) indicating the lower level. Finally, in the case of *Lavoie* v. *Attorney General of Nova Scotia*, the Nova Scotia Court of Appeal ruled that the number required under section 23(3)(b) must be greater than the number required under section 23(3)(a), because the cost is higher.

The wording of section 23(3) does not, however, enlighten us as to the method of determining sufficient numbers. Should the real or potential number of requests be used? Apart from *Marchand* v. *Simcoe Board of Education*, in which the decision was in favour of using the potential number of requests based on demographic data, other decisions on the issue (*Mahé*, *Commission des écoles fransaskoises Inc.*, *Re School Act* and *Lavoie*) were all in favour of using real numbers, based on requests or official registrations, along with adequate advertising to inform parents of their rights (cases *Re School Act* and *Lavoie*). The use of demographic data, therefore, was not convincing to the majority of courts.

a. Right to Minority Language Education

The first decision on the issue of the numbers warranting minority language education was handed down in the case of *Re Education Act of Ontario*, in which the Ontario Court of Appeal ruled that numbers should not be determined according to established school districts, but rather from a provincial perspective. In addition, the Court did not agree that discretionary power over determining numbers should be granted to school boards, for the number can only be set by legislative or executive fiat. The Alberta Court of Appeal in the *Mahé* case agreed with these principles, but the Supreme Court of Canada did not address this issue.

Various decisions have dealt specifically with the issue of numbers warranting minority language education. In the case of *Re Education Act of Ontario*, the Ontario Court of Appeal ruled that the requirement for 25 pupils in primary schools and 20 pupils in secondary schools was unconstitutional because it was based on figures that were too rigid and arbitrary and did not take local circumstances into consideration. (Subsequently, in December 1984, the Ontario Legislative Assembly passed Bill 119, which stipulated that the minimum number was "one.") In the case of *Commission des écoles fransaskoises Inc.*, the Saskatchewan Court of Queen's Bench ruled that the number of 15 pupils per class was by no means arbitrary or unreasonable. In the case of *Re School Act*, the Prince Edward Island Court of Appeal judged that it did not have the required elements of proof regarding transportation, costs or size of area to rule on the validity of the number of 25 pupils over three educational levels, but it did rule that section 23 does not demand that the number required for the right to education be the same for minority language students as for majority language students. Finally, in *Lavoie* v. *Attorney General of Nova Scotia*, the Nova Scotia Court of Appeal ruled that 50 pupils from grade 1 to grade 8 represented sufficient numbers, because the right to minority language education must be considered a minimum constitutional right. There are clearly differences in current case law regarding sufficient numbers. The differences in the facts of each situation and the varying interpretations given by the courts show how difficult it would be to arrive at a single number for all parts of the country.

b. Right to Minority Language Educational Facilities

The principles set out by the Ontario Court of Appeal regarding the right to minority language education (numbers not limited by school board territories and no discretionary powers granted to school boards) also apply to the right to minority language educational facilities.

Without specifying numbers, the Prince Edward Island Court of Appeal, in the case of *Re School Act*, ruled that the number required for the right to minority language educational facilities was higher than the number required for the right to minority language education. In the *Mahé* case, the Alberta Court of Appeal was more explicit, and ruled that the numbers required are related to the costs and that a school board with 500 pupils in Edmonton

would not be economically feasible. The Supreme Court of Canada in the same case held that the number of students likely to attend Francophone schools in Edmonton was not sufficient to mandate the establishment of an independent Francophone school board under section 23.Finally, in the *Lavoie* case, the Nova Scotia Court of Appeal ruled that 50 pupils did not warrant the financing of a homogeneous educational facility. To date, these are the only two cases in which the courts have had to rule on the specific number warranting the right to minority language educational facilities. Once again, the number required must differ from province to province, and it would seem rash to establish a number that would be valid across Canada.

C. Scope of Minority Language Education Rights

1. The Right to Instruction

The right to instruction applies to schooling for children of eligible parents at the elementary and secondary levels; it does not extend to post-secondary education. Case law is somewhat vague about the nature of this instruction.

The New Brunswick Supreme Court, in *Société des Acadiens du Nouveau-Brunswick* v. *Minority Language School Board No. 50*, ruled that Francophones have no obligation to attend French schools; the exercise of their right is thus optional. The Court also ruled that section 23(3)(a) provides the right to instruction in French, not to French immersion programs in an English-language school. What is required, therefore, is a complete educational program provided in the minority language, not basic instruction. In the same vein, the British Columbia Supreme Court, in *Whittington* v. *Board of School Trustees of Schools District No. 63 (Saanich)*, concluded that section 23(1)(a) in no way accords members of the Anglophone majority a right to send their children to French immersion classes: it guarantees rights only to each province's language minority.

The Ontario Court of Appeal, in *Re Education Act of Ontario*, ruled that the right to instruction comprises not only the right to classes but also the right to an education that reflects and transmits the values of the minority official language community. The Alberta Court of Appeal, in *Mahé*, confirmed that to be educated in French involves more than simply learning French; the purpose of education is to make a person sufficiently adept in his or her

language to enable him or her to participate effectively in one of Canada's two language communities. The Court also opened the possibility of homogeneous programs by ruling that pedagogical requirements might entail separate facilities for minority-language children as well as the exclusion of children whose parents' language capabilities were not up to a certain level. Finally, the Nova Scotia Court of Appeal, in *Lavoie*, ruled that the right to education includes the right to an appropriate environment, consisting at a minimum of teachers, classrooms, textbooks, supplies, audio-visual equipment, and any other articles needed to provide instruction in the minority language.

2. The Right to Educational Facilities

The right to educational facilities applies to the framework in which instruction is provided. "Facilities" may refer to classrooms, entire schools or homogeneous school boards, depending on numbers. Ancillary services and installations (cafeterias, gymnasia, etc.) have also been recognized as part of the facilities to which official language minorities are entitled. The courts have recognized another aspect as well: the right of school governance.

The Ontario Court of Appeal, in *Re Education Act of Ontario*, recognized the right of school governance for the first time without, however, defining its substance or form. The Court limited itself to indicating that this right guaranteed the minority's exclusive authority over those minority language-related aspects of education, ruling that parents have the right to participate in the governance of their children's educational facilities and that one possible way to achieve this participation might be guaranteed proportional representation. The Court concluded that the right of governance does not in itself depend on minimum numbers but is subsumed in the right to facilities, which does require minimum numbers.

The Alberta Court of Queen's Bench, in *Mahé*, ruled that facilities should take the form of homogeneous schools with right of governance. It did not define the form of this right but did stipulate that it would not necessarily entail the creation of homogeneous school boards. Furthermore, it enumerated the areas in which governance could be exercised: instruction-related expenditures, the hiring and overseeing of persons responsible for administration and instruction, the establishment of programs, personnel recruitment and deployment, and agreements relating to education. The Court also ruled that no particular form

of governance is provided for, that only communities with a certain level of population could expect to obtain the full governance infrastructure (i.e., homogeneous school boards), that the choice of governance structure remained with the province, and that the minority's right of governance was not necessarily equivalent to the majority's because costs were involved. Education guarantees may thus prove to be restricted by what is economically feasible. **The Supreme Court of Canada in the same case agreed with these principles, and reiterated them in *Comités de parents du Manitoba*.**

The Saskatchewan Court of Queen's Bench, in *Commission des écoles fransaskoises Inc.*, ruled that the right of governance is subsumed in the right to facilities, that it cannot be restricted to advisory committees (although these are acceptable in the context of the right to instruction), and that it does not automatically entail the establishment of homogeneous schools (given the issue of cost).

The Prince Edward Island Court of Appeal, in *Re School Act*, did not deal explicitly with the right of governance but did recognize a right to participate in the development and implementation of programs (via school trustees), which would apply to the whole of section 23 (and thus as much to the right to instruction as to the right to facilities).

Lastly, the Nova Scotia Court of Appeal, in *Lavoie*, ruled that the right to facilities includes the right to elect trustees, to hold meetings and to run schools. The Court also concluded that the institutional mechanisms for implementing school governance should be determined by the province.

It must be added that, as regards a distinct physical setting, the Supreme Court of Canada specified in *Comités de parents du Manitoba* that some separation in the physical setting is necessary if the schools are to fulfil their role successfully. The Court did not, however, describe what might satisfy this requirement in a given situation. Furthermore, like a number of lower courts, the Supreme Court of Canada confirmed how important it was for parents who were members of a linguistic minority group to be able to take part in determining their needs with respect to education and for the establishment of structures and services that were best suited to their requirements.

3. Equality of Services

The courts tackled one final aspect of minority language education rights as provided under section 23, namely the equality of the services offered to the minority and to the majority.

In *Re Education Act of Ontario*, the Ontario Court of Appeal ruled that the instruction given to minority language groups must be equal in quality to that received by the majority group. In the *Marchand* case, the Supreme Court of Ontario ruled that educational institutions must be of the same quality, that is, minority schools must have the same advantages (notably transportation services and related facilities) as majority schools. This ruling is based on the very nature of section 23, in the light of section 15 of the Charter. In *Marchand*, the Court even ordered the school board to build a gymnasium, workshop and cafeteria.

In *Marchand* and in the *Commission des écoles fransaskoises Inc.*, the courts ruled that majority and minority services must be of equal quality, but that each case should be weighed on its own merits. Furthermore, they stated that this right derives solely from section 23 (with specific, limited guarantees) and not from section 15; in the opinion of the courts, section 15 cannot be used to interpret section 23, since the latter is exempt from its provisions.

The Prince Edward Island Court of Appeal ruled, in *Re School Act*, that equal treatment must be provided where numbers are equal, effectively tying in equality with numbers and circumstances. Contrary to the stipulations of the *Marchand* decision, services would not automatically have to be of the same quality as those of the majority.

Lastly, in the case of *Lavoie*, the Supreme Court of Nova Scotia ruled that schools should be reasonably accessible to students; they should not be located at too great a distance from the geographic area in which the majority of the students reside, to avoid lengthy bus rides. The Court even stipulated that 40 to 50-minute bus rides were too long for elementary school students and that 20 to 30-minute rides would be acceptable. It designated those areas in which education rights could be recognized. This was the first time a court had acted in the place of a school board in a matter of this kind.

D. Comments

The rights provided for under section 23 are complex and difficult to interpret because of the conditions placed on exercising them. Furthermore, despite the national scope and constitutional nature of this section, how it is actually applied depends on the prevailing situation in each province or area and on demographic and linguistic conditions.

On the basis of the rulings handed down, we can conclude that the text of section 23 has been interpreted in a broad manner, notably in the ruling of the Supreme Court of Ontario in *Re Education Act of Ontario*. There are, however, certain limitations, particularly as regards costs and the "where numbers warrant" provision.

In the *Mahé* and the *Comités de parents du Manitoba* cases, the Supreme Court of Canada interpreted section 23 broadly and made clear that each province has a constitutional obligation to attend to its official language minority and positively "preserve and promote" minority language education as part of promoting the culture.

CHRONOLOGY

1867 - The Fathers of Confederation protected the right to denominational schools in section 93 of the *Constitution Act, 1867*, but no mention was made in the legislation of language rights in education.

1917 - The Judicial Committee of the Privy Council upheld the validity of Standing Order 17 passed by the Ontario government in 1912 on the ground that section 93 of the *Constitution Act, 1867* protected only pre-Confederation rights and privileges relating to denominational teaching and not the language of instruction (*Trustees of the Roman Catholic Separate Schools for Ottawa* v. *Mackell*).

1968 - Established in 1963 to enquire into and recommend means of strengthening bilingualism and biculturalism in Canada, the Royal Commission on Bilingualism and Biculturalism published a report in four volumes, the second of which advocated the provision of publicly-supported education in each of the official minority languages at both the elementary and secondary levels in bilingual districts.

1969 - The federal government issued a document entitled *The Constitution and the People of Canada*, in which it recommended a constitutionally entrenched

minority language education right for individuals to receive instruction in the language of their choice in areas where that language is the choice of a number of persons sufficient to justify the provision of the necessary facilities.

1970 - A federal-provincial agreement was concluded on the creation of a program of bilingualism in education. The federal government agreed to fund part of minority language and second language education, using a formula based on enrolment levels and on the time devoted to such programs in each province.

1977 - At a First Ministers' Conference in St. Andrews, the provincial premiers agreed to make their best efforts to provide minority language instruction in English and French wherever numbers warrant. This initial commitment was revised the following year at the Premiers' Conference in Montreal, at which time it was agreed that each child of the French-speaking or English-speaking minority is entitled to an education in his or her language in the elementary or secondary schools in each province, where numbers warrant.

1978 - The federal government issued a White Paper entitled *A Time for Action* and introduced Bill C-60, the Constitutional Amendment Act, which proposed a charter of rights and freedoms that would guarantee, among other things, a minority language education right.

1979 - Established in 1977 to enquire into questions relating to Canadian unity, the Task Force on Canadian Unity issued a series of reports. In its report entitled *A Future Together*, the Task Force emphasized the need for provincial enactments to protect minority language education rights in accordance with the terms of the agreement reached at the Premiers' Conference in Montreal in 1978. The report stressed that such rights should also be accorded to children of either minority who change their province of residence.

1980 - The federal government tabled the Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada, following which a Special Joint Committee of the Senate and House of Commons was established to consider and report upon the proposed resolution. In committee, section 23 of the Charter on minority language education rights was amended several times.

1982 - The *Constitution Act, 1982* was proclaimed.

1988 - Passage of the new *Official Languages Act*, whereby the federal government undertook to promote the growth and support the development of minority official languages in Canada.

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***The Fédération provinciale des Comités de parents Inc.* v. *The Attorney General of Manitoba.* Supreme Court of Canada, judgment rendered 4 March 1993.**

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